

Attorney's Docket: 2002DE130
Serial No.: 10/656,313
Group: 1713

REMARKS

The Office Action mailed July 28, 2006, has been carefully considered together with each of the references cited therein. The amendment and remarks presented herein are believed to be fully responsive to the Office Action. The amendments made herein are fully supported by the Application as originally filed. No new matter has been added. Accordingly, reconsideration of the present Application in view of the above amendments and following remarks is respectfully requested.

CLAIM STATUS

Claims 1-5, 17, 21-23 and 40-42 are pending in this Application. By this amendment, Applicants have amended claim 1.

Claim Rejections Under 35 USC § 103(a)

Claims 1, 23 and 42 stand rejected under 35 USC § 103(a) as being unpatentable over Weil et al. (US Patent 5,578,666) in view of Langford (US Pub. 2001/0011112). Claims 2-5 stand rejected under 35 USC § 103(a) as being unpatentable over Weil et al. (US Pat. 5,578,666) in view of Langford (US Pub. 2001/0011112) as applied to claim 1, and further in view of Jeneweine et al. (US Pat. 6,365,071). Claim 21, 22, 40 and 41 stand rejected under 35 USC § 103(a) as being unpatentable over Weil et al. (US Pat. 5,578,666) in view of Langford (US Pub. 2001/0011112) as applied to claim 1, and further in view of Gareiss et al. (US Pat. 6,084,012). These rejections are respectfully traversed.

In the instant Office Action, the Office responds to Applicants previous arguments with respect to the above referenced rejections. Such arguments were advanced in the Response dated July 14, 2006. In responding to such arguments, the Office states:

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However, applicants completely fail to recognize that the flame retardant composition as claimed does not exclude a flame retardant composition comprising a polymeric material which is clearly disclosed in Weil et al. (Abstract; column 4, lines 27-30).

Applicants have amended claim 1 to clarify the fact that the claimed pulverulent flame retardant composition claimed "does not contain a polymeric molding compound."


In view of this amendment, it is Applicants' respectful position that the above referenced rejection do not put forward a *prima facie* case of obviousness, as was explained in the July 14, 2006 Response. Weil et al. does not speak to a pulverulent flame retardant composition as claimed as the paraffin wax of Weil et al. is not added to, or part of, of the flame retardant, but in contrast, added during the formation of the polymer material including the flame retardant. As Applicants have now clarified that the claimed invention does not contain a polymeric molding compound, it is respectfully contended that the rejections made by the Office, for all the reasons advanced in the July 14, 2006 Response, do not make the presently claimed invention obvious.

In view of the foregoing, Applicants courteously solicit reconsideration and withdrawal of the rejections.

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In view of the forgoing amendment and remarks, the present Application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, he is requested to contact the attorney for Applicants at the telephone number provided below.

Respectfully submitted,


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